



**BOBBY JINDAL**  
GOVERNOR

**State of Louisiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF CONSERVATION**  
**MEMORANDUM**

**SCOTT A. ANGELLE**  
SECRETARY  
**JAMES H. WELSH**  
COMMISSIONER OF CONSERVATION

November 19, 2008

**TO: District Managers, District Engineers, and Conservation Enforcement Specialists**

**FROM: James H. Welsh**  
**Commissioner of Conservation**

**SUBJECT: Off-Site Storage, Treatment and/or Disposal of Exploration and Production**  
**Waste Generated from Drilling and Production of Oil and Gas Wells**

There have been several recent inquiries and at least one recent incident which necessitate this memo to provide clarification on the rules and policies in place regarding the Off-site handling of Exploration and Production (E&P) Waste. LAC 43:XIX.313.I.1 states that:

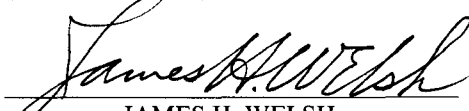
“Except for produced water, drilling, workover and completion fluids, and rainwater which may be transported by an oil and gas operator to a community well or an operators permitted Class II disposal well or discharged to surface waters where authorized, exploration and production waste shall not be moved offsite for storage, treatment, or disposal unless transported to an approved commercial facility or transfer station in accordance with the requirements of LAC 43:XIX, Chapter 5 or under the direction of the commissioner.”

Since DEQ has discontinued the issuance of surface water discharge permits for E&P Waste, produced water, drilling, workover and completion fluids, and rainwater must be either disposed of on-site or transported to a community well, an operators permitted Class II disposal well or an approved commercial facility or transfer station in accordance with the requirements of LAC 43:XIX, Chapter 5. All other E&P waste must remain on-site or be transported to an approved commercial facility or transfer station in accordance with the requirements of LAC 43:XIX, Chapter 5.

The offsite transport of E&P Waste, including produced water, drilling, workover and completion fluids, and rainwater, to other drilling locations is strictly prohibited.

To clarify any misunderstanding or misinterpretation of the definition and regulatory application of “reusable material” under LAC 43:XIX.Subpart 1.Chapter 5, understand that “all proposed uses of reusable material must be approved by the commissioner in writing.” Also, by definition and under the testing criteria under LAC 43:XIX.565.f, “reusable material” must contain less than 50% by weight moisture (water) or zero free moisture (water). Furthermore, “reusable material” is limited by regulation under LAC 43:XIX.565.E.4 to use as daily cover in sanitary landfills and various types of construction fill material on a case-by-case basis.

OFFICE OF CONSERVATION  
OF THE STATE OF LOUISIANA

  
JAMES H. WELSH  
COMMISSIONER OF CONSERVATION

JHW:CS

cc: Gary Ross - Assistant Commissioner  
Gary Snellgrove - Director, Environmental Division